IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.9732 of 2002

Between:

The TCS, Kuntloor Village, Hayathnagar Mandal,

R.R.District, rep. by its President O. Sambaiah Goud, S/o.Sathaiah,
R/o.Kuntloor Village , Hayathnagar Mandal, R.R.District.

..... PETITIONER

AND

The Prohibition & Excise Superintendent,

Ranga Reddy District, Narayanaguda, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondent in not renewing the TCS licence of Kuntloor Village, Hayathnagar Mandal, R.R.District, for the excise year 2002-2003 merely because of pendency of the criminal case against the petitioner society vide COR No.563/2001-2002 of the SHO, Excise, Saroornagar, though the independent lab has furnished the nil report, as illegal, unlawful and contrary to law and arbitrary and consequently, direct the respondent to renew the TCS licence of the petitioner society for the excise year
2002-2003 ignoring pendency of the criminal case vide COR No.563/2001-2002 of the SHO, Excise, Saroornagar.

Counsel for the Petitioner : MR.M.DAMODAR REDDY

Counsel for the Respondent : GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER :

Toddy Tappers Cooperative Society, Kuntloor village, Hayathnagar Mandal, Ranga Reddy District, was granted licence under the Andhra Pradesh (Arrack and Toddy Licences General Conditions) Rules, 1969 and the Andhra Pradesh Excise (Tapping of Trees and Toddy Shops – Special Conditions of Licence) Rules, 1969 (hereafter called 'the Rules'). The licence was valid upto 31-3-2002. Later it was renewed. However, the shop run by the petitioner society was inspected by the officials, who collected toddy samples on suspicion/allegation that the today was being adulterated. The petitioner sought for sending the second sample bottle to an independent laboratory. Be that as it is, when the matter was pending, at that stage the petitioner made a representation for renewal of licence, in vain. Therefore, the present writ petition is filed seeking a Writ of Mandamus to the respondents to renew the licence.

The respondent has filed a counter affidavit, *inter alia* stating that pursuant to the collection of samples from the petitioner's shop, a show cause notice was issued and after considering the explanation, the licence of the petitioner was cancelled for adulteration of toddy. In that view of the matter, the petitioner cannot be said to have any right to seek for renewal of licence under the Rules.

The writ petition is devoid of merits and accordingly dismissed. No costs.

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(V.V.S.RAO, J.)

01-07-2005.

Msr.

To

1. The Prohibition & Excise Superintendent,

Ranga Reddy District, Narayanaguda, Hyderabad.

2. 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad.

3 2 CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No.9732 of 2002

01-07-2005

(Msr)